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PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032  
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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 010635  
First Inventor Barker, et al.  
Title GRACEFUL DEGRADATION SYSTEM  
Express Mail Label No. EL746360463US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27
3. ☒ Specification [Total Pages 22]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 36]
5. Oath or Declaration [Total Pages 3]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:


☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
Prior application information Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label  or ☐ Correspondence address below

Name Dennis M. Carleton  
BUCHANAN INGERSOLL  
Address One Oxford Centre, 20th Floor  
City Pittsburgh State PA Zip Code 15219  
Country USA Telephone 412/562-1895 Fax 412/765-0163

Name (Print/Type) Dennis M. Carleton Registration No. (Attorney/Agent) 40,938  
Signature  Date May 11, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

**Complete if Known**

Application Number	
Filing Date	May 11, 2001
First Named Inventor	Barker, et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	010635

TOTAL AMOUNT OF PAYMENT (\$ 616.00)

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 02-4553

Deposit Account Name BUCHANAN INGERSOLL

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 355.00)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
49	-20** = 29	9	261
3	-3** = 0	0	0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 261.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

**SUBMITTED BY**

Name (Print/Type) Dennis M. Carleton

Registration No. 40,938  
(Attorney/Agent)**Complete (if applicable)**

Telephone 412/562-1895

Signature

Date May 11, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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05/11/01



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Date of Deposit: May 11, 2001

I hereby certify that this paper or fee is being  
Deposited with the United States Postal Service  
Under 37 C.F.R. 1.10 on the date indicated above  
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BUCHANAN INGERSOLL PC  
One Oxford Center, 20th Floor  
Pittsburgh, PA 15222

Tammy Styer

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Barker, et al. )  
Serial No.: Not Yet Assigned )  
**Filed:** 11 April 2001 )  
**Entitled:** GRACEFUL DEGRADATION SYSTEM )

**TRANSMITTAL FOR PATENT APPLICATION**

**To:** Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

**Dear Sir:**

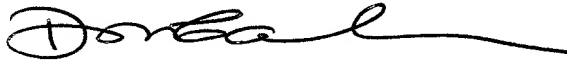
Enclosed for filing is the above-referenced patent application. Transmitted herewith for filing are:

1. Utility Patent Application Transmittal (Form PTO/SB/05);
2. Fee Transmittal (Form PTO/SB/17);
3. Twenty-two (22) pages of specifications including forty-nine (49) claims;
4. Thirty-six sheets of figures including thirty-six (36) informal drawings; and
5. A Declaration.

Also enclosed is a return postcard. Please date stamp the postcard and return it to us to acknowledge receipt of this application.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 02-4553. A duplicate copy of this Transmittal letter is enclosed.

Respectfully submitted,



Dennis M. Carleton  
Reg. No. 40,938

BUCHANAN INGERSOLL  
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Dated: 11 May 2001

Attorneys for Applicants

1042342-1;PGH1

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER  
37 CFR 1.10 - SEPARATE PAPER

ATTORNEY'S DOCKET NO.

010635

IN RE APPLICATION OF

Robert Barker, et al.

SERIAL NUMBER

FILED

May 11, 2001

FOR

GRACEFUL DEGRADATION SYSTEM

GRP. ART UNIT

EXAMINER

"Express Mail" mailing label number EL746360463

Date of deposit May 11, 2001

I hereby certify that this paper or fee is being deposited  
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Tammy L. Styen

(Typed or printed name of person mailing paper or fee)

Tammy L Styen

(Signature of person mailing paper or fee)

JC971 U.S. PTO  
09/853371

